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REMARKS

This is a full and timely response to the non-final Office Action mailed September 11, 2007. Reconsideration of the application in light of the following remarks is respectfully requested.

Claim Status:

Claims 7 and 30 have been cancelled previously without prejudice or disclaimer. No amendments to the application are proposed by the present paper.

Thus, claims 1-6, 8-29, 31 and 32 are currently pending for further action.

Prior Art:

In the outstanding Office Action, claims 1, 4-6, 11, 13, 15, 16 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the teachings of U.S. Patent Application Publication No. 2002/0087619 to Tripathi ("Tripathi") in view of U.S. Patent No. 7,231,445 to Aweya et al. ("Aweya") and Peterson et al. (Computer Networks: A Systems Approach; Morgan Kaufmann Publishers; copyright 2000, pages 634-640) ("Peterson"). (Action of 9/11/07, p. 2). For at least the following reasons, the rejection is respectfully traversed.

Claim 1 recites:

A computer network for providing services comprising:
a plurality of computing elements each of which comprises general-purpose, programmable computing resources that can be selectively programmed for supporting one or more of a plurality of different electronic services, wherein said services are controlled or operated by commands or data transmitted via email;
a mail server for receiving and routing email; and
a redirector, separate from said mail server, communicatively connected to said mail server and each of said computing elements, wherein said redirector receives email from said mail server, wherein each email contains a command or data for a specific said service, with or without being addressed to a specific computing element, and wherein said redirector is configured to selectively match an available computing element with a specific service request of an incoming email, whether or not said

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email is addressed to a specific computing element, and forward at least a portion of the email to that computing element so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements;

wherein said electronic services are controlled by said email routed by said redirector among said plurality of computing elements.

(Emphasis added).

In contrast, none of the three cited prior art references, Tripathi, Aweya and Peterson, teach or suggest the claimed redirector. Specifically, the references taken in any combination do not teach or suggest an email redirector that is “*configured to selectively match an available computing element with a specific service request of an incoming email, whether or not said email is addressed to a specific computing element, and forward at least a portion of the email to that computing element so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements....*” (Emphasis added).

By way of relevant background, Tripathi teaches a system and a method for *managing a server*. (Tripathi, abstract and claim 1). Tripathi describes a system that can be used to access server status information, or to manipulate the state of a server using email. (Tripathi, ¶ [0019]). The system functions by allowing a “network administrator” to access a server in order to obtain status information or perform service on the server by sending directions to the server encoded in email messages (Tripathi, ¶ [0019]). Tripathi does not teach or suggest anything like the claimed redirector. Tripathi does not teach or suggest any device that routes email data among a plurality of computing resources based on the availability of computing resources rather than an email address.

Aweya, in comparison, has absolutely nothing to do with email or routing email and does not teach or suggest anything similar to the claimed email redirector. In fact, email is not even mentioned in Aweya. Rather, Aweya teaches a system for managing a server farm

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that is accessed through a web browser and the world wide web. (Aweya, col. 1, lines 36-41).

According to Aweya, requests of the server farm made using a web browser are distributed by

first generating a web server request distribution function for each of the plurality of web servers based upon performance measures of each of the plurality of web servers, wherein each of the plurality of web servers is assigned a respective probability range based upon each respective web server request distribution function. A random probability number, which typically has a value ranging from 0 to 1, is then generated for a web server request. The particular probability range encompassing the random probability number is then determined so as to identify the corresponding web server to which the web server request is to be distributed.

(Aweya, col. 3, lines 21-33).

Consequently, Tripathi merely teaches using email to communicate with a server and does not teach or suggest anything relevant to the claimed redirector that "selectively match[es] an available computing element with a specific service request of an incoming email, whether or not said email is addressed to a specific computing element." Aweya merely teaches distributing HTTP or browser-based requests among the servers of a server farm. Thus, Aweya also does not teach or suggest the claimed email redirector and does not even mention email.

Finally, Peterson is a textbook that merely describes, among other things, the basic protocols and methods used for email communication. Peterson describes the message transfer protocols that are used to send email, the way that email transmissions are formatted, and the use of gateways to further the transmission of emails. Peterson does not teach or suggest anything about a redirector that routes email data based on the availability of computing resources rather than an email address.

With regard to the claimed email redirector, the Office Action refers primarily to the teachings of Tripathi. (Action of 9/11/07, pp. 2-4). Specifically, the Office Action construes Tripathi's mail agent (130, Fig. 2) as the claimed redirector. (Action of 9/11/07, p. 3).

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Tripathi's mail agent cannot, however, be read on the claimed redirector for at least the following reasons.

Claim 1 recites, "wherein said redirector is configured to selectively match *an available computing element* with a specific service request of an incoming email, *whether or not said email is addressed to a specific computing element*, and forward at least a portion of the email to that available computing element so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements." In contrast, Tripathi expressly teaches away from this subject matter.

With regard the mail agent (130), Tripathi states that an incoming email message to the mail agent (130) will "specify whether the service requested relates to a specific server, such as server 330, server 340, or another computer within a network, or whether the service is applicable to one or more specific servers within the network, or to all such servers."

(Tripathi, ¶ [0030]). There is no indication in Tripathi of a component, like the claimed redirector, that is able to process an email and selectively match an available computing element with a service request "whether or not said email is addressed to a specific computing element." The mail agent (130) of Tripathi, cited in this regard by the Office Action, is only described as receiving emails that specify which of the servers that message relates to. Nowhere in Tripathi is it taught or suggested that the mail agent may choose which server gets the service request based on resource availability.

The recent Office Action appears to presume that citing Aweya somehow erases the fact that Tripathi explicitly calls for email messages to be routed using specific server addresses. This is clearly erroneous. Tripathi specifically teaches away from the claimed invention and away from the proposed combination with Aweya by specifying that email is routed to the specific server addressed in that email and not routed in the discretion of a

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redirector as claimed. The recent Office Action fails to address this “teaching away” from the claimed invention in Tripathi. For at least this reason, the proposed combination of Tripathi and Aweya is improper.

In any event, none of the cited references teach or suggest the claimed redirector. None of the references teach or suggest an email redirector, separate from a mail server, “communicatively connected to said mail server and each of said computing elements, wherein said redirector receives email from said mail server, wherein each email contains a command or data for a specific said service, with or without being addressed to a specific computing element, and wherein said redirector is configured to selectively match an available computing element with a specific service request of an incoming email, whether or not said email is addressed to a specific computing element, and forward at least a portion of the email to that computing element so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements.”

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Tripathi, Aweya and Peterson, clearly did not include the claimed redirector or its functionality and advantages.

A large number of devices may exist in the prior art where, if the prior art is disregarded as to its content, purpose, mode of operation and general context, the several elements claimed by the Applicant, if taken individually, may be disclosed. However, the important thing to recognize is that the reason for combining these elements in any way to

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meet Applicant's claims only becomes obvious, if at all, when considered from hindsight in the light of the application disclosure. The Federal Circuit has stressed that the "decisionmaker must step backward in time and into the shoes worn by a person having ordinary skill in the art when the invention was unknown and just before it was made." *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1566 (Fed. Cir. 1987). To do otherwise would be to apply hindsight reconstruction, which has been strongly discouraged by the Federal Circuit. *Id.* at 1568. Respectfully, "it is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious"; *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1141, 227 USPQ 543, 550 (Fed. Cir. 1985); *W.L. Gore & Assocs. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)

"To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." *W.L. Gore & Assoc. v. Garlock, Inc.*, 721 F.2d 1540, 1553 (Fed. Cir. 1983).

Therefore, without some reason in the references to combine the cited prior art teachings, with some rational underpinnings for such a reason, the Examiner's conclusory statements in support of the alleged combination fail to establish a prima facie case for obviousness. *See, KSR International Co. v. Teleflex Inc.*, No. 04-1350, 550 U.S. ____ (2007) (obviousness determination requires looking at "whether there was an apparent reason to combine the known elements in the fashion claimed...", citing *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness," *KSR* at 14).

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As explained in Applicant's specification, with the claimed redirector, the plurality of computing elements can flexibly provide services to network users with all of the various computing elements being optimally utilized to provide services without it being necessary for any component but the redirector to track which computing elements are engaged in which services. (Applicant's specification, paragraph 0048). This is a significant advantage that is not available to, or enabled by, the prior art of record. Clearly, the claimed redirector would not have been obvious to one of skill in the art based on the dissimilar and much simpler mail agent taught by Tripathi, even in combination with the teachings of Aweya and Peterson, neither of which describe such an email redirector.

For at least these reasons, Tripathi, Aweya and Peterson cannot support a rejection of claim 1 under § 103 and *Graham*. In other words, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). Tripathi and Peterson clearly fail to teach or suggest all the features of claim 1. For at least these reasons, the rejection of claim 1 and its dependent claims based on Tripathi, Aweya and Peterson should not be maintained, but should be reconsidered and withdrawn.

Additionally, claim 1 further recites, "wherein said redirector is configured to selectively match an available computing element with a specific service request of an incoming email, whether or not said email is addressed to a specific computing element, *and forward at least a portion of the email to that available computing element* so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements." In contrast, the combination of Tripathi, Aweya and Peterson does not teach or suggest this subject matter. The combination of

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Tripathi, Aweya and Peterson does not teach or suggest a redirector that processes email and forwards at least a portion of the email to the available computing element.

The mail agent (130) taught by Tripathi that the Office Action construes as the redirector does not forward any of the email to the servers in the system. Rather, the mail agent contains a decipherer (220), and a service performer (240) that decode the email message and directly perform the requested service on the specified server or servers. (Tripathi, Fig. 2; ¶¶ [0023], [0026]-[0028]). It is clear from this description that the mail agent of Tripathi "may connect to a server" and "execute an action on the server." (Tripathi, ¶ [0028]). However, Tripathi does not teach or suggest "*forward[ing] at least a portion of the email to that available computing element* so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements." (Emphasis added). Similarly, neither Aweya nor Peterson teach or suggest this subject matter.

Again, the scope and content of the prior art does not include the claimed redirector that "*forward[s] at least a portion of the email to that computing element so as to deliver said command or data to that specific service*, such that said redirector serves as an email proxy for said plurality of computing elements." This significant difference from the prior art would clearly not have been obvious to one of ordinary skill in the art from the Tripathi's teachings regarding a mail agent, as cited above. For at least these additional reasons, Tripathi, Aweya and Peterson cannot support a rejection of claim 1 under § 103 and *Graham*. Thus, the rejection based on Tripathi, Aweya and Peterson should be reconsidered and withdrawn.

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Independent claim 11 recites:

A method of providing services with a computer network that comprises a plurality of computing elements each of which comprise general-purpose, programmable computing resources that can be selectively programmed for supporting one or more of a plurality of different electronic services that are controlled or operated by commands or data received via email, and a redirector, communicatively connected to each of said computing elements; said method comprising:

receiving an email message, said message containing a command or data configured for a specific service on one of said computing elements, wherein said email message relates to said specific service, *with or without being addressed to a specific computing element*; and

routing at least some of said email message comprising said command or data to a corresponding computing element to control or execute said specific service, such that said redirector serves as an email proxy for said computing elements, wherein said redirector determines which computing element receives said command or data from said email message based on the specific service to which that email message relates.

(Emphasis added).

In contrast, as demonstrated above, the combination of Tripathi, Aweya and Peterson fails to teach or suggest a method that includes “receiving an email message, said message containing a command or data configured for a specific service on one of said [plurality of] computing elements, wherein said email message relates to said specific service, *with or without being addressed to a specific computing element.*” (Emphasis added). Tripathi, Aweya and Peterson further fail to teach or suggest “routing at least some of said email message comprising said command or data to a corresponding computing element to control or execute said specific service, such that said redirector serves as an email proxy for said computing elements, *wherein said redirector determines which computing element receives said command or data from said email message based on the specific service to which that email message relates.*” (Emphasis added).

As demonstrated above, the combination of Tripathi, Aweya and Peterson fails to teach or suggest routing at least some of an email message “based on the specific service to

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which that email message related” rather than an email address, where the email is handled “*with or without being addressed to a specific computing element.*” (Emphasis added).

Under the analysis required by *Graham*, the scope and content of the prior art, as evidenced by Tripathi and Peterson, clearly fails to include the claimed method in which email containing a command or data configured for a specific service is routed, with or without being addressed to a specific computing element, based on the specific service to which that email message relates. The advantages of this significant difference over the prior art are noted above. For at least these reasons, Tripathi, Aweya and Peterson cannot support a rejection of claim 11 under § 103 and *Graham*. Therefore, the rejection of claim 11 and its dependent claims should not be maintained, but should be reconsidered and withdrawn.

Additionally, the various dependent claims of the application recite additional subject matter that is not taught or suggested by the prior art of record. Specific, non-exclusive examples follow.

Claim 14 recites “wherein said step of extracting an access function further comprises extracting a service from said email, and said step of complying with said extracted access function further comprises *loading the extracted service to one of said computing elements with available computing resources.*” (Emphasis added). In contrast, none of the cited prior art references teach or suggest this subject matter. *In fact, claim 14 does not appear to be included in any of the rejections in the recent Office Action.* For at least these reasons, claim 14 is clearly in condition for allowance.

Claim 15 recites “wherein said commands or data comprise a specified location from which a service is to be obtained, said method further comprising obtaining said service from said specified location.” In contrast, the cited prior art references do not teach or suggest this

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subject matter. There is no suggestion in the prior art of obtaining a service from a location specified in an email that is routed to a computing resource in the discretion of an email redirector. *Moreover, the recent Office Action does not specifically address claim 15 or indicate how or where the subject matter of claim 15 is found in the prior art. (See Office Action of 9/11/07, paragraph 7).* For at least these additional reasons, the rejection of claim 15 should be reconsidered and withdrawn.

Claims 2, 3, 8, 9, 12, 17, 18 and 24 were rejected under 35 U.S.C. § 103(a) over the combined teachings of Tripathi, Aweya Peterson and U.S. Patent No. 5,819,110 to Motoyama ("Motoyama"). (Action of 5/25/07, p. 5). This rejection is respectfully traversed for at least the same reasons given above with respect to the independent claims.

Additionally, claim 8 recites: "a firewall through which said email messages are received, said mail server and redirector both being protected within a common firewall." Claim 17 recites similar subject matter. In this regard, the Office Action takes "Official Notice" "that both the concept and advantages of providing for a firewall to protect the email processing center is well known." (Action of 9/11/07, p. 7). This is irrelevant.

Claim 8 does not merely recite a firewall, but that both a server and redirector and defined and claimed by Applicant are protected within a common firewall. This subject matter has not been shown to be taught or suggested by the prior art of record. Due to the unique nature of the redirector disclosed and claimed by the Applicant, it is significant that the server and redirector are protected within a common firewall as recited in claim 8. In contrast, none of Tripathi, Aweya Peterson, or Motoyama teach that both the server and redirector are protected within a common firewall. Consequently, Applicant *again* requests

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that prior art actually teaching the features of claims 8 and 17 be introduced into the record or that the rejection of claims 8 and 17 be reconsidered and withdrawn.

Claim 9 recites "further comprising a web client within said firewall communicating with said redirector to obtain access to said services." Claim 18 recites similar subject matter. Again, Tripathi, Aweya Peterson and Motoyama fail to teach or suggest this subject matter, and the Office Action fails to clearly indicate how or where the prior art teaches or suggests this subject matter. Thus, Applicant again requests that prior art actually teaching the features of claims 9 and 18 be introduced into the record or that the rejection of claims 9 and 18 be reconsidered and withdrawn.

Claims 10, 19 and 20 were rejected under 35 U.S.C. § 103(a) over the combined teaching of Tripathi, Aweya, Peterson, Motoyama and U.S. Patent No. 6,480,901 to Weber et al. ("Weber"). (Action of 5/25/07, p. 7). This rejection is respectfully traversed for at least the same reasons given above with respect to the independent claims.

Additionally, claim 10 recites "wherein said redirector generates web pages related to said services for said web client." Claims 19 and 20 depend, respectively from claims 18 and 11, and recite: "generating web pages for a [said] web client with said redirector, said web pages being related to said services."

In this regard, the Office Action cites to Weber at Fig. 7 and col. 14, lines 23-41. (Action of 9/11/07, p. 8). However, these portions of Weber do not teach or suggest a redirector, as disclosed and claimed. Applicant notes again the unique nature of the redirector disclosed and claimed by Applicant which has been explained above. Consequently, because neither Weber nor the other cited prior art teach or suggest such a redirector, Weber and the other cited prior art must also fail to teach or suggest the claimed redirector that generates

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web pages relating to the services provided on a plurality of connected computing elements for which the redirector serves as an email proxy. For at least this additional reason, the rejection of claims 10, 19 and 20 should be reconsidered and withdrawn.

Claims 22, 23, 26-29, 31 and 32 were rejected under 35 U.S.C. § 103(a) over the combined teaching of Tripathi, Aweya, Peterson, and U.S. Patent Application No. US 2002/0156876 to Hartman et al. ("Hartman"). (Action of 5/25/07, p. 8). This rejection is respectfully traversed for at least the same reasons given above with respect to the independent claims.

Additionally, claim 26 recites:

A computer network for providing electronic services comprising:
a plurality of computing elements each of which comprises general-purpose, programmable computing resources that can be selectively programmed for supporting one or more of a plurality of different electronic services, wherein said services can be controlled or executed by commands or data transmitted via email;
a mail server for receiving and routing email; and
a redirector, separate from said mail server and said plurality of computing elements, communicatively connected to said mail server and each of said computing elements, wherein said redirector receives email from said mail server, wherein each email contains a command or data for a specific said service, with or without being addressed to a specific computing element, and wherein said redirector is configured to selectively match an available computing element with a specific service request of an incoming email and forward at least a portion of the email to that computing element so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements; and
a service handler on at least one of said computing elements for automatically obtaining an electronic service using an incoming email and installing that service on the computing element corresponding to the service handler.

(Emphasis added).

In contrast, the cited prior art references do not teach or suggest the claimed network including both an email redirector and the claimed service handler that automatically obtain[s] an electronic service using an incoming email and installing that service on the computing element corresponding to the service handler." In this way, a service that was not

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available on the computing element before is made available in response to the incoming email request directed to that computing element in the discretion of the redirector. There is absolutely no such teaching or suggestion in the prior art of record.

Moreover, the recent Office Action fails to specifically address claim 26 or these unique aspects of claim 26. (See Office Action of 9/11/07, paragraph 17). For at least these additional reasons, the rejection of claim 26 and its dependent claims should not be sustained.

Claim 25 was rejected under 35 U.S.C. § 103(a) over the combined teaching of Tripathi, Aweya, Peterson, Motoyama and Hartman. (Action of 5/25/07, p. 9). This rejection is respectfully traversed for at least the same reasons given above with respect to the independent claims.

Conclusion:

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically

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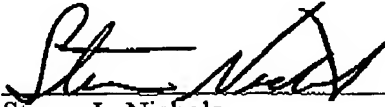
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stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant believes that no fees are currently due, however, should any fee be deemed necessary in connection with this Amendment and Response, the Commissioner is authorized to charge deposit account 08-2025, referencing the Attorney docket number 100200239-1.

Respectfully submitted,

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